



House of Representatives

General Assembly

File No. 714

January Session, 2017

Substitute House Bill No. 6975

House of Representatives, May 3, 2017

The Committee on Judiciary reported through REP. TONG of the 147th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT PROHIBITING THE PRACTICE OF "ROLLING COAL".

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 14-164c of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2017*):

4 (a) (1) No person shall fail to maintain in good working order or
5 remove, dismantle or otherwise cause to be inoperative any equipment
6 or feature constituting an operational element of the air pollution
7 control system or mechanism of a motor vehicle required by
8 regulations of the Commissioner of Energy and Environmental
9 Protection to be maintained or on the vehicle. Any such failure to
10 maintain in good working order or removal, dismantling or causing of
11 inoperability shall subject the owner thereof to revocation of
12 registration for such vehicle by the Commissioner of Motor Vehicles
13 unless all parts and equipment constituting elements of air pollution
14 control have been made operable and in good working order within
15 sixty days of notice by said commissioner of such violation. Any such

16 failure shall be considered a failure to comply with the periodic
17 inspection requirements established under subsection (c) of this
18 section. As used in this section, "motor vehicle" has the same meaning
19 as provided in section 14-1.

20 (2) No person shall operate a motor vehicle in a manner that causes
21 a visual exhibition of smoke that consists of the release of soot, smoke
22 or other particulate emissions to the air and onto roadways, other
23 motor vehicles, bicyclists or pedestrians, with the intent to (A) cause a
24 reasonable person to feel harassed, annoyed or alarmed, (B) obstruct or
25 obscure any person's view of the roadway, other users of the roadway
26 or a traffic control device, or (C) create a hazard to a motor vehicle
27 operator, bicyclist or pedestrian. Any person who violates the
28 provisions of this subdivision shall be fined not more than one
29 thousand dollars or imprisoned not more than thirty days, or both.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2017	14-164c(a)
-----------	-----------------	------------

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 18 \$	FY 19 \$
Resources of the General Fund	GF - Revenue Gain	Less than 10,000	Less than 10,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill results in potential revenue gain from a new penalty by prohibiting motor vehicle operators from engaging in the practice of emitting dense smoke from a motor vehicle. As this is a new prohibition, it is uncertain how many violations will occur but it is anticipated that less than 10 will be charged and result in revenue of less than \$10,000.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 6975*****AN ACT PROHIBITING THE PRACTICE OF "ROLLING COAL".*****SUMMARY**

This bill prohibits motor vehicle operators from intentionally emitting dense smoke from a motor vehicle to harass others or create a hazardous situation ("rolling coal").

It prohibits anyone from operating a motor vehicle so as to emit soot, smoke, or other particulate emissions into the air and onto roadways, with the intent to (1) cause a reasonable person to feel harassed, annoyed, or alarmed; (2) block or obscure anyone's view of the roadway, other road users, or a traffic control device; or (3) create a hazard for a driver, bicyclist, or pedestrian.

A violation is punishable by a fine of up to \$1,000, imprisonment for up to 30 days, or both.

EFFECTIVE DATE: October 1, 2017

BACKGROUND***Related Laws and Regulations***

It is a violation of the federal Clean Air Act to manufacture, sell, or install a motor vehicle part that bypasses, defeats, or renders inoperative any emission control device (42 U.S.C. § 7401 *et seq.*).

State law prohibits anyone from removing, dismantling, or rendering inoperable a vehicle's air pollution control system. The Department of Motor Vehicles may revoke a violator's vehicle registration (CGS § 14-164c).

State law also requires motor vehicles to be equipped and adjusted

to prevent excessive fumes or exhaust smoke. Violators face a \$150 fine (CGS § 14-80(c)).

State environmental regulations also prohibit, with certain exceptions, gasoline-powered motor vehicles from discharging visible emissions for longer than five consecutive seconds and diesel-powered motor vehicles from emitting smoke exceeding certain opacity standards for more than 10 consecutive seconds (Conn. Agencies Regs. § 22a-174-18 (b)).

Legislative History

The House referred the bill (File 46) to the Judiciary Committee, which reported a substitute that (1) specifies that a person must intentionally commit the prohibited acts for a violation to occur and (2) eliminates a proposed ban on installing specific motor vehicle equipment intended to emit dense smoke.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 26 Nay 4 (02/22/2017)

Judiciary Committee

Joint Favorable Substitute

Yea 32 Nay 8 (04/25/2017)